

# Chapter 1. Purpose of and Need for Action

The proposed action described in this chapter has several parts, most of which pertain directly to National Forest System lands and for which the U.S. Department of Agriculture, Forest Service (Forest Service) will make the decision. The proposal also includes activities that pertain to U.S. Department of Interior, Bureau of Land Management (BLM) administered lands, where the BLM has the authority to make decisions. This draft environmental impact statement (DEIS) documents the National Environmental Policy Act (NEPA) analysis of the site-specific environmental effects of a Forest Service and BLM proposal. The Forest Service is the lead agency and the BLM is a cooperating agency.

An interdisciplinary analysis on the proposed action is documented in a project record. An index of the project record is presented in the Appendix. Source documents from the project record are incorporated by reference throughout this environmental impact statement by showing the document number(s) in brackets [24, 58]. This draft environmental impact statement summarizes the project record to make the analysis results as clear as possible.

## Scope of Analysis

Constructed in the late 1940s, a 25 kV 1/ distribution line maintained by Kit Carson Electric Cooperative (KCEC) runs from the Los Cordovas substation located just west of Taos and serves the communities of Ojo Caliente, El Rito, La Madera, Canon Plaza, Mesa Vista, Petaca, Las Placitas, Servilleta, Vallecitos, Carson and Pilar (Figure 2). Kit Carson Electric Cooperative purchases electrical power from Tri-State Generation and Transmission Association. Based upon a request made by KCEC, the Carson National Forest and Bureau of Land Management Taos Field Office are preparing this environmental impact statement (EIS) to analyze the effects of a proposal to authorize KCEC to construct, operate and maintain a new 115 kV electric transmission line on National Forest System lands and BLM administered lands from the existing Hernandez to Taos 115 kV line to Ojo Caliente, New Mexico, where a substation is proposed to be located on BLM lands. In addition, the scope of the analysis includes the effects of the existing 25 kV line crossing BLM land between the national forest boundary and Ojo Caliente. A notice of intent to prepare an EIS was published in the “Federal Register” on October 12, 2000 (65 FR 60612). [181]

After the proposed action was developed and published in the “Federal Register,” KCEC approached the Forest Service concerning the need to provide electrical service to residents along U.S. 285 between the existing 25 kV corridor and Tres Piedras (Figure 2). A revised notice of intent adding an option to meet this need on National Forest System lands was published in the “Federal Register” on June 30, 2003 (68 FR 38670). The notice also included other information not in the previous notice of intent, as well as changes to the proposed dates for release of the EIS.

The scope of this analysis includes the areas where KCEC serves—Ojo Caliente, El Rito, La Madera, Cañon Plaza, Mesa Vista, Petaca, Las Placitas, Servilleta, Vallecitos, Carson and Pilar, as well as along U.S. 285 to Tres Piedras (Figures 1 and 2).

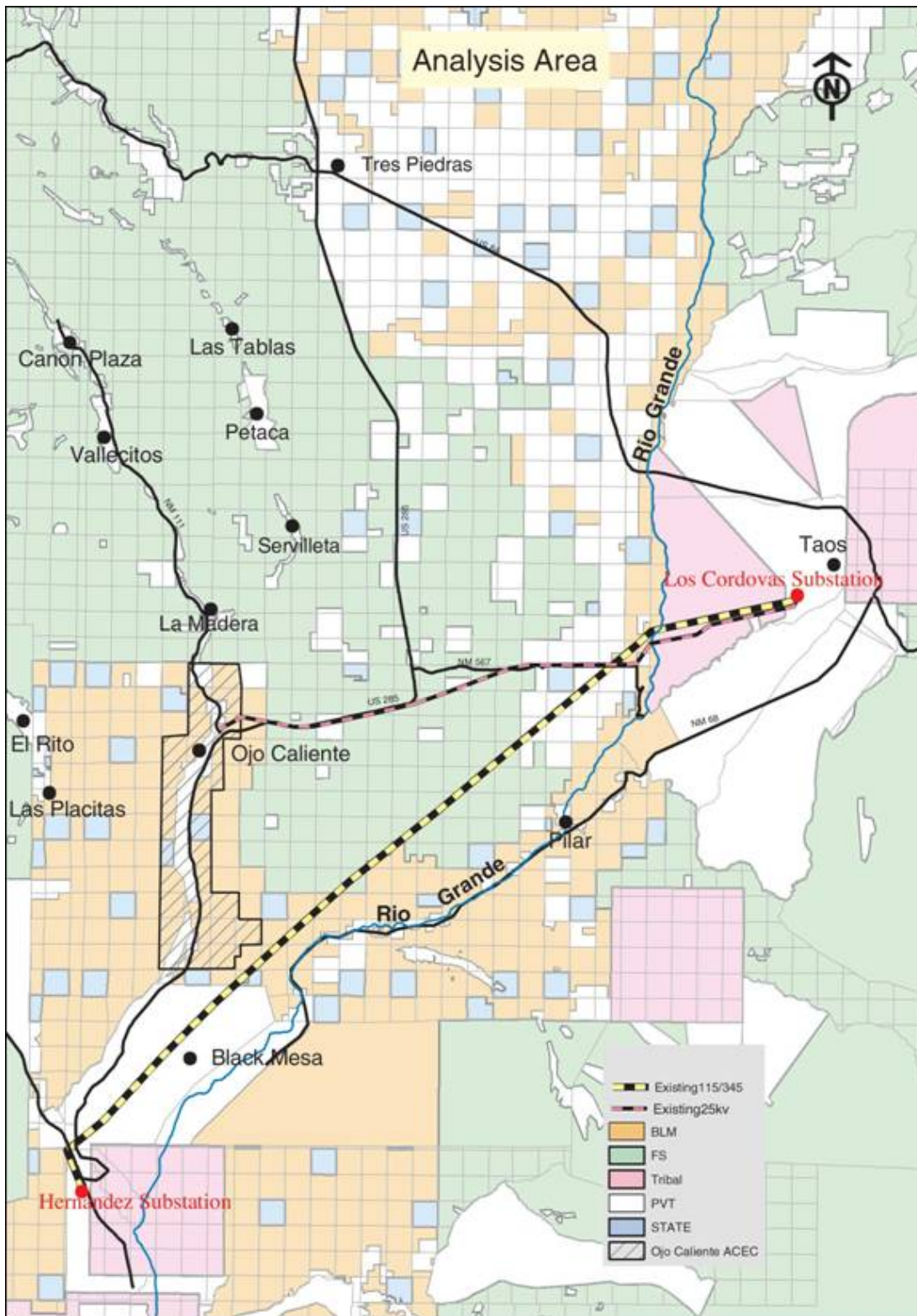
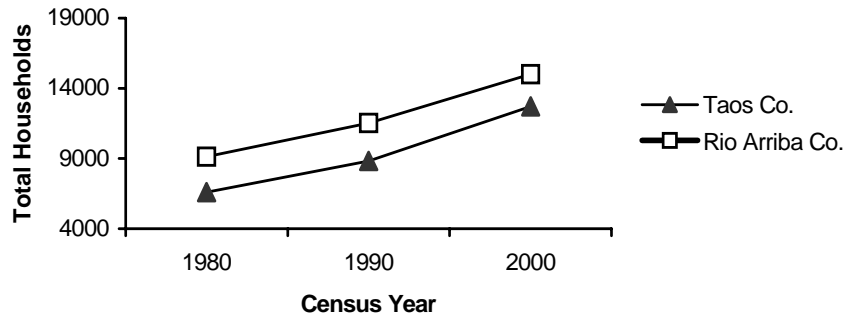


Figure 2. Map of the Ojo Caliente proposed transmission line analysis area.

## Purpose and Need for Action

Between 1940 and the late 1970s, the populations of Taos and Rio Arriba Counties were basically static. Since around 1980, the populations of these same counties have nearly doubled in size (U.S. Census 1980-2000).



**Figure 3. Changes in households for Taos and Rio Arriba Counties.**

The communities of Ojo Caliente, El Rito, La Madera, Cañon Plaza, Mesa Vista, Petaca, Las Placitas, Servilleta, Vallecitos, Carson and Pilar lie within Taos or Rio Arriba Counties and have all grown since lines were constructed in the 1940s. These communities are expected to continue to grow at a similar rate as in the past. Although the increase in population is far less in outlying communities, the individual consumption of electrical power has increased with the expansion of electronic technology.

The town of Ojo Caliente and the surrounding service area is fed from the Los Cordovas substation near Taos by a No. 2 aluminum conductor steel reinforced three-phase line. As the demand for power increased over the years, two sets of inline voltage regulators were installed between Taos and El Rito in order to help maintain voltage consistency. Voltage regulators maximize the systems ability to maintain or correct voltage. Although system standards are for operations at 120 volts, most outlets and appliances can operate on 110 volts without damage to electrical equipment. However, voltage drops are occasionally falling below the 110-volt level, which can damage electrical equipment. When the voltage regulators currently added to the system fail, the uncorrected drop in voltage is much greater, causing more significant problems to electrical equipment.

The existing Ojo Caliente system has reached its limitations regarding any additional installations to help maintain voltage during peak usage periods. Current power demands exceed the capacity of the existing line and voltage regulators periodically fail, creating outages and frequent voltage fluctuations to users. These fluctuations have led to intermittent brownouts and “blinks,” causing damage to all types of electrical equipment, from appliances to medical support systems (Table 3).

The original distribution lines were also not designed to carry so much electrical energy; consequently an excessive amount of power is lost directly from the lines through the transmission process. This phenomenon is known as line loss and is both wasteful and costly. This expense is generally distributed to all KCEC users. The projected savings on line loss are estimated to offset around 30 percent of the costs of construction (of the proposed action) over the

loan period, which is approximately \$965,120. [17.2] In addition, the existing distribution system is comprised of a single circuit, rather than a “loop.” A line failure can result in a power outage to the entire distribution area.

**Table 3. Past power failures on the Taos to Ojo Caliente distribution line [256].**

|               | <b>2001</b> | <b>2002</b> |
|---------------|-------------|-------------|
| Outages       | 320         | 366         |
| Brownouts     | 12          | 9           |
| Blinks        | 16          | 10          |
| Voltage drops | 14          | 7           |

Using current data on usage and service, there is a need for improving consistency in electrical power to the system serving Ojo Caliente, El Rito, La Madera, Cañon Plaza, Mesa Vista, Petaca, Las Placitas, Servilleta, Vallecitos, Carson, Pilar and surrounding communities.

Besides serving the Ojo Caliente area, KCEC is responsible for serving other areas in Taos County. Electrical service has never been available to residents along a portion of U.S. 285 between the existing 25 kV corridor and Tres Piedras (Figure 2). In addition to the need for providing improved electrical service to the areas described above, there is also a need for providing service to residents along U.S. 285.

## Proposed Action

In order to provide adequate power for current and future needs, prevent power outages and fluctuations, improve reliability and reduce line loss costs to all KCEC users, the Carson National Forest and BLM Taos Field Office propose to authorize Kit Carson Electric Cooperative to construct, operate and maintain a new 115 kV transmission line across National Forest System and BLM lands. A 40-foot right-of-way would be designated, unless otherwise identified. It would run from the existing 115 kV transmission line in the 115/345 kV corridor just north of Black Mesa to a proposed substation on BLM lands north of the Ojo Caliente community, Taos County, New Mexico (Figure 4). The transmission line proposal should sufficiently serve the power needs of the area. If at any time the population growth should exceed expectations, the substation equipment could be upgraded. The proposed substation equipment should supply adequate energy for 40 to 50 years. As a part of this analysis, it was discovered that the portion of the existing 25 kV distribution line on BLM land has never been authorized under permit. The proposed action includes the administrative action required by BLM to authorize the existing line and associated access necessary for maintenance and repair.

## Proposed Transmission Line

The proposed transmission line location would tap into the existing 115 kV Hernandez to Taos transmission line, approximately 1.5 miles northeast of Black Mesa and about 2.5 miles south of Cerro Azul on national forest land. This connection would include additional poles or similar

structures to allow for the underpass of the 345 kV and a disconnect (small switching device). The tap point and disconnect switch would be fenced out for safety.

The line would run north to northwest for about 7 miles and connect into the existing 25 kV distribution line along U.S. 285, also located on the Carson National Forest. It would proceed west with a 25 kV line underbuild<sup>2/</sup> for approximately 1 mile, where it would leave the Carson National Forest and enter lands administered by the BLM. Then it would follow the existing 25 kV corridor west and slightly south, for about 2 miles to the location of the proposed substation just north of the intersection of U.S. 285 and NM 111.

The proposed substation would be located at the terminus of the transmission line on BLM lands, just northwest of the intersection of U.S. 285 and NM 111 and 1.5 miles north of Ojo Caliente. It would be approximately 160 yards northeast along the existing line from where the voltage regulators are now located. The total area required for substation equipment would occupy approximately 1.5 acres. A chain link-cyclone fence would enclose the substation. For safety purposes, a grounding grid would be buried around the exterior perimeter of the fence. The purpose of the substation is to convert 115kV transmission power to 25kV distribution lines. Several distribution circuits would then leave the substation underground, following the edge of the access road to NM 111, then surface and connect to the existing distribution system.

Details of the proposed action as it relates to line-pole configuration and appearance, as well as distribution lines, are discussed in Chapter 2, *Items Common To All Action Alternatives*.

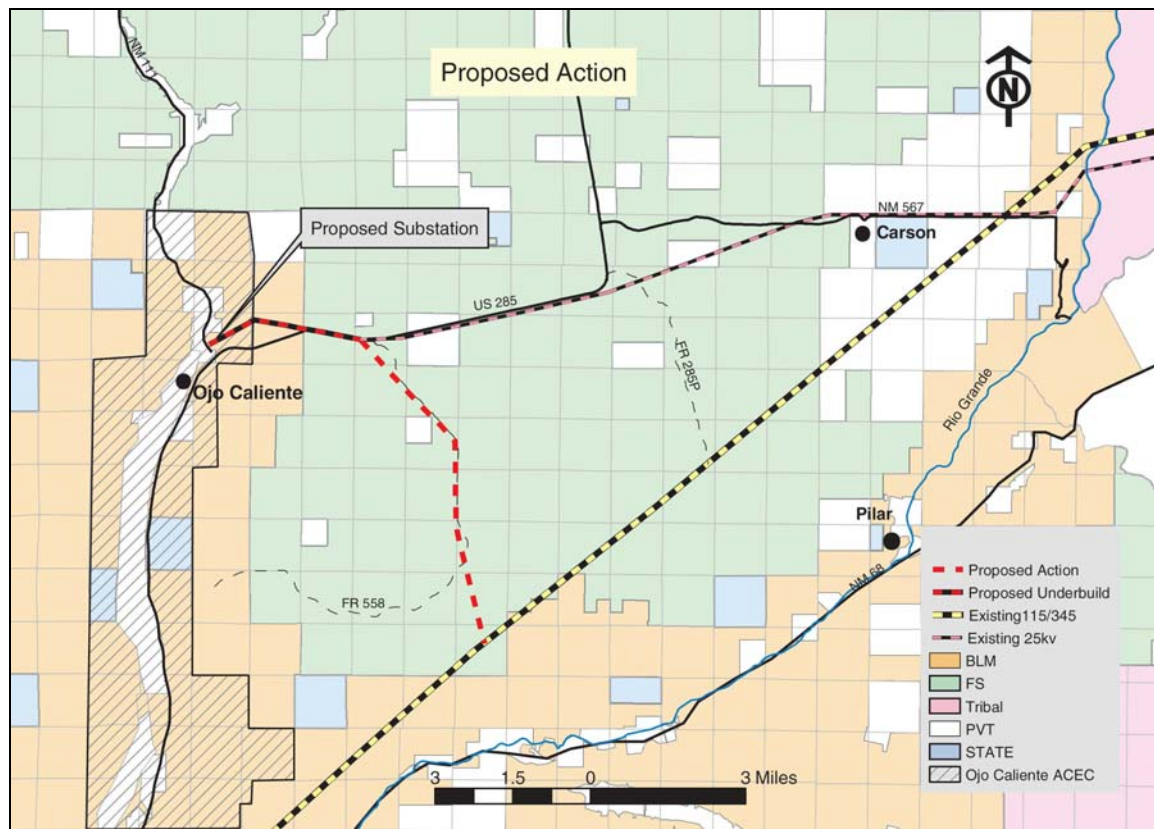
## **Land Use Plan Consistency**

The National Forest Management Act of 1976 (NFMA) requires the development of long-range land and resource management plans. Similarly, the Federal Land Policy and Management Act of 1976 (FLPMA) requires the development of a comprehensive land use plan for other public lands, including the Bureau of Land Management.

The 1986 Carson Land and Resource Management Plan (hereby called forest plan) as amended and the 1988 Taos Resource Management Plan (RMP) developed broad, programmatic management direction for the Carson National Forest and BLM Taos Field Office, respectively. [5, 7] This EIS is a project-level analysis, designed in conformance with the applicable Forest Service and BLM plan direction (goals and prescriptions). Where appropriate, this EIS tiers to the environmental impact statements for the Carson Forest Plan and the Taos RMP, as encouraged by NEPA regulations.

## **Carson Forest Plan**

The Carson Forest Plan provides guidance for all natural resource management activities on the Carson National Forest. NFMA requires all projects and activities to be consistent with the forest plan. The forest plan has been reviewed in consideration of this proposal. Forest-wide prescriptions that apply to the proposed action are primarily those related to protection and/or management of: heritage resources (Cultural Resources 1-6), corridors (Facilities and Corridors 1-2), special uses (Special Uses 1-2), visual resources (Visual Quality 1-2), soils (Watershed 1-2) and wildlife habitat (Wildlife & Fish 1-14).



**Figure 4. Proposed Action**

The forest supervisor of the Carson National Forest has the delegated authority to grant permits, easements, and leases for utility corridors on the Carson National Forest, and uses the forest plan for guidance. The forest plan states:

*National forests are adjacent to and surround many small communities and private lands. Therefore, there are demands and needs on forest lands for cemeteries, landfills, solid waste transfer stations, access roads, telephone and electric transmission lines, irrigation ditches, pipelines...and other uses. These uses can be authorized by special use permits or easements to local governments, corporations or individuals. [5, Forest-wide Prescriptions, Special Uses-1]*

Additional direction states: “Provide for joint use in corridors and combine uses, to the extent possible, in light of technical and environmental constraints.” [5, Forest-wide Prescriptions, Facilities-1] The proposed action as described would be consistent with the forest plan.

On the Carson National Forest, the proposed action would traverse through three different management areas, which have additional standards and guidelines. These management areas (MA) are: [5] MA 8 – Piñon-Juniper; MA 11 – Revegetation Area; and MA 12 – Sagebrush.

The proposed action is consistent with the standards and guidelines for each of these management areas.

## Taos Resource Management Plan

Like the Carson Forest Plan, the Taos RMP provides guidance for all natural resource management activities on BLM lands administered through the Taos Field Office. The FLPMA requires all uses and activities in the resource area to conform to the decisions, terms and conditions as described in the RMP. The Taos RMP has been reviewed in consideration of this proposal. Taos Resource Area prescriptions that apply to the proposed action are primarily those related to protection and/or management of: heritage resources (RMP 2-41), corridors (RMP 2-16), special uses (RMP 2-16), visual resources (RMP 2-50), soils (RMP 2-36) and wildlife habitat (RMP 2-33).

The Taos Field Office grants rights-of-way, leases and permits to qualified individuals, businesses and governmental entities for the use of public lands. A portion of the proposed transmission line would go through the Ojo Caliente Area of Critical Environmental Concern (ACEC). The RMP does not prohibit the construction of a new right-of-way corridor in the Ojo Caliente ACEC (RMP 2-16).

The primary management objective for the Ojo Caliente ACEC (Map 2) is “to preserve cultural and interpretive values” (RMP 5-16). The proposed action would be consistent with this objective and the Taos Resource Management Plan’s overall management direction.

## Decision Framework

Given the purpose and need, the responsible officials review the proposed action, the alternatives, the environmental consequences and public input in order to make a decision. The proposed action pertains mostly to National Forest System lands for which the Forest Service will make the decision. The forest supervisor for the Carson National Forest will decide whether to authorize Kit Carson Electric Cooperative to construct a new line as proposed or select an alternative, including taking no action. He will also choose whether to include the Tres Piedras Connection Option in his decision (see *Scope of Analysis*). In addition, the Forest Supervisor may elect to require certain mitigation measures to minimize environmental impacts.

The proposed action also includes activities that pertain to lands administered by the Bureau of Land Management. The Taos Field Office manager is the responsible official for decisions made on these lands, and will decide whether to authorize Kit Carson Electric Cooperative to construct a segment of a new transmission line and substation as proposed or select an alternative, including the no action. In addition, the field office manager may elect to require certain mitigation measures to minimize environmental impacts.

As a part of this analysis, it was discovered that the portion of the existing 25 kV distribution line on BLM has never been authorized under permit. The decision would include the administrative action required by BLM to authorize the existing line and associated access necessary for maintenance and repair.

## Public Involvement

Beginning in the summer of 2000, Carson National Forest analysis team members and Kit Carson Electric Cooperative staff participated in a number of meetings and discussions with communities



and their representatives, local citizen groups, interested individuals and representatives from other state and Federal agencies concerning the Ojo Caliente 115 kV transmission line proposal.

On October 12, 2000 a Notice of Intent to prepare an environmental impact statement was published in the “Federal Register” (65 FR 60612) to notify the public and solicit comments on the proposed action. [181] A Revised Notice of Intent to prepare an environmental impact statement was published in the “Federal Register” (68 FR 38670) on June 30, 2003. [258] The revised notice added an option to meet the need for providing service to residents along U.S. 285 to Tres Piedras, and included other information not in the previous NOI and changes to the proposed dates for release of the EIS.

### **Tribal Contact and Consultation**

Native American tribes that may be interested in the project were identified early on [25-30, 35], and according to the 1999 requirements of the National Historic Preservation Act, Section 106, consultation with affiliated tribal officials was initiated in late 1999. Tribal consultation is ongoing. Local pueblos were identified as most likely to still be using the area and were formally consulted. They include San Juan, San Ildefonso, Pojoaque, Tesuque, Nambé, and Santa Clara. Other tribes contacted are Hopi, Navajo, Jicarilla Apache, Comanche, Southern Ute, Ute Mountain, Jemez, Taos and Picuris. Copies of the April 2000 “Enchantment,” describing the proposed action for the Ojo Caliente transmission line, were also sent to the those on the forest’s tribal mailing list. [68-84]

### **Local, State and Federal Coordination**

Contact between the Forest Service and Bureau of Land Management as cooperating agencies began at the inception of the analysis and is ongoing. [49, 52] Discussions with the Town of Taos and Taos County began in spring 2000. [130] The Department of Energy was first contacted in 2000. [148, 153] Preliminary information obtained from the U.S. Fish and Wildlife Service in 1998 was used to initiate discussion with that agency in the fall of 2000. [180]

In April and May 2000, executive summaries of the Ojo Caliente and Talpa-Peñasco proposals were prepared and provided with a briefing to Congressman Tom Udall’s staff, Senator Jeff Bingaman’s staff, Taos County Planning Department, Town of Taos City Manager and the Kit Carson Electric Cooperative Board. [117, 128, 129, 130]

Beginning in the summer of 2000, analysis team members and Kit Carson Electric Cooperative staff participated in several meetings and discussions with communities and their representatives (Ojo Caliente, Carson, and the Council of Neighborhood Associations-Taos County), local citizen groups, and interested individuals concerning the Ojo Caliente proposed transmission line. [131, 156, 166, 171, 186, 242]

### **Public Individuals and Organizations**

The analysis team prepared a brochure entitled “Proposed Action” in March 2000. The brochure described in detail the proposed action, preliminary issues and how to contact the analysis team for information or comments for the Ojo Caliente proposed transmission line. It also contained a proposed action and similar information for a second power line proposal from Talpa to Peñasco. [85, 87, 88]



“Proposed Action” was distributed March 25, 2000 by Kit Carson Electric Cooperative as a supplement to the April 2000 “Enchantment” (Vol. 52, Number 54), a New Mexico newsletter prepared by the electric cooperatives. [65] Copies were mailed to all Kit Carson Electric Cooperative subscribers (17,850 copies). In addition, the “Enchantment” was sent to individuals and groups on the Carson National Forest mailing list of people interested in activities proposed on the national forest. [87, 88]

The proposal was also identified in the April 3, 2000 Carson National Forest quarterly Schedule of Proposed Actions, and has been described in all subsequent quarterly updates. [67, 146, 177, 196, 207, 222, 236, 244, 246, 248-250, 253, 259] Kit Carson Electric Cooperative’s quarterly newsletters for April 2000 and September 2000, “Getting Connected,” discussed the Ojo Caliente proposed transmission line, as well as the Talpa-Peñasco proposal. [85, 173] In 2003, an update on the Ojo Caliente EIS process was included in the March and August issues of “Getting Connected.” [251, 263] The newsletters went out to 21,132 subscribers.

## Media

Public notices and newspaper advertisements were also used in April and May 2000 to notify the public about the project and to solicit feedback. Public notices briefly describing the two power line proposals and who to contact for more information or where to send comments were placed in public gathering places around the communities of Ojo Caliente, El Rito, La Madera, Vallecitos and Carson April 13 through 19, 2000 [112]. On April 20, 2000 a paid advertisement was placed in The Taos News and the Rio Grande Sun (Espanola) soliciting public participation in the planning process and providing contact points for interested members of the public. [118, 120]

From April 14 through 17, 2000, press releases and public service announcements briefly describing the project and requesting public feedback were sent to a number of local and regional papers and radio stations. [108] A number of the stations and publications relayed the information to the general public and/or used the information to initiate a more detailed article. Radio stations and publications contacted were:

|   |                 |
|---|-----------------|
| The Taos News                           | Horse Fly       |
| Rio Grande Sun                          | KTAO (Taos)     |
| Albuquerque Journal North               | KKIT (Taos)     |
| Santa Fe New Mexican                    | KDCE (Espanola) |
| Sangre de Cristo Chronicle (Angel Fire) | KRZA (Alamosa)  |

The Santa Fe New Mexican described the proposal in an article on April 7, 2000. [97] The Taos News also ran an article on April 27, 2000. [126] In the October 15, 2000 edition of the Horse Fly, an article described the proposal in detail, the issues identified to date, and how to contact the analysis team in order to become involved. [182]

Issues and ideas that surfaced through all of these scoping activities have contributed to the development of the proposed action and alternatives. These developments have played a significant role in the identification and analysis of the potential environmental and social effects of this project. The following section of this document describes the issues identified and tracked in this analysis.

## Issues

An issue is a point of concern, debate or dispute over the effects of implementing the proposed action. Issues also help define the scope of the analysis. Issue management can usually be broken down into several steps. During the initial introduction of the proposed action, people are asked to comment on the proposal. From the comments, issues are clarified and organized. Once this process is completed, significant issues are identified.

The Forest Service separates issues into two groups: significant and nonsignificant issues. Significant issues are defined as those directly or indirectly caused by implementing the proposed action. Significant issues are used to formulate alternatives, prescribe mitigation measures or analyze environmental effects. Nonsignificant issues are identified as those: (1) outside the scope of the proposed action; (2) already decided by law, regulation, forest plan or other higher level decision; (3) irrelevant to the decision to be made; or (4) conjectural and not supported by scientific or factual evidence. The Council on Environmental Quality implementing regulations for the National Environmental Policy Act explains this delineation in 40 CFR Sec. 1501.7, "...identify and eliminate from detailed study the issues which are not significant or which have been covered by prior environmental review (Sec. 1506.3)..." A list of nonsignificant issues and reasons regarding their categorization as nonsignificant may be found in the record. [247]

Public comments on the proposed Ojo Caliente transmission line covered a wide variety of topics. These included concerns related to effects on wildlife, soils and watershed, cultural resources, economics, scenic values, as well as the use of alternative energy, burial of the line, effects of electromagnetic fields, and the need for improved service. Significant issues were used to develop alternative routes and/or were addressed in the analysis of environmental effects (Chapter 3, *Affected Environment and Environmental Consequences*). Evaluation criteria were used to measure the potential consequences of the alternatives as they relate to each issue. The following are the significant issues and corresponding evaluation criteria identified for the proposed transmission line.

### **Significant Issue: Environmental Impacts of a New Utility Corridor**

*The proposed action would create a new utility corridor. Constructing a new line and associated maintenance road could cause unnecessary adverse environmental impacts.*

Numerous comments expressed concern about the potential impacts from the construction, maintenance and long-term presence of a new utility corridor and associated temporary roads on natural resources. Concerns include: possible disturbance to wildlife such as goshawks and other raptors, wintering deer and elk; the potential for cutting older, larger trees; and disturbance or damage to forested habitats. In addition, several people voiced their opinion over the potential impacts to soils and watershed condition as well as effects on water quantity and quality.

Guidance in the Carson Forest Plan directs the Forest Service to locate new utilities in existing corridors wherever possible. [5, Facilities-1] Establishing another corridor would cause additional environmental impacts that could be avoided if the new transmission line ran where the 25 kV distribution line currently exists.

**Evaluation criteria used for a new corridor:**

- Length of proposed transmission line construction in new corridor
- Length of proposed transmission line in existing corridor
- Number of disturbed acres outside existing corridor
- Effects on soils and potential for erosion
- Effects on water quality
- Effects on wildlife (especially raptors) and associated habitats
- Effects on Forest Service sensitive and Federally listed species and habitats
- Effects on plant species and associated habitats

**Significant Issue: Impacts to Scenic Values**

*The proposed transmission line would negatively affect scenic and visual values of the area through which it traverses.*

Numerous comments expressed concerns about the possible effects of a power line across the vista between Cerro Vibora and Cerro Azul to the existing corridor. Commenters frequently described the aesthetic sense in this same area as “wilderness” that would be diminished by the presence of a power line. Many feel this unspoiled vista should be preserved in its present condition. Others felt the views as seen by residents and motorists along NM 567 near the area between Carson and Taos Junction would be spoiled. Forest Service lands in the area are administered to maintain some level of visual resources and aesthetic values.

**Evaluation criteria used for scenic values:**

- Number of acres where scenic integrity would be reduced
- Effects on scenic quality in the Carson community and along NM 567
- Length of U.S. 285 and NM 567 along which transmission line would be visible
- Length of distribution line eliminated
- Consistency with Carson National Forest Visual Quality Objectives and Recreation Opportunity Spectrum

**Significant Issue: Tres Piedras Connection**

After the proposed action went out for public comment, an issue was raised concerning the lack of service along a portion of U.S. 285 between the existing 25 kV corridor and Tres Piedras. Tres Piedras also has no backup source of electrical power in the event the current distribution system goes down.

**Evaluation criteria used for Tres Piedras Connection:**

- Whether the area along U.S. 285 south of Tres Piedras has access to the electrical grid serviced by KCEC
- Whether the Tres Piedras area has a backup loop designed into their electrical system

## **Other Issues: Addressed in Chapter 3 – Affected Environment and Environmental Consequences**

A number of people requested that certain environmental impacts of the proposed transmission line be addressed in the environmental impact statement. These include the following, which will be analyzed as part of Chapter 3, *Affected Environment and Environmental Consequences*:

Questions were raised regarding the scale of proposed upgrade and that the proposed transmission line would be too costly to KCEC members—Is a 115 kV line really needed instead of a line carrying between 115 kV and the current 25 kV? Commenters asked whether the environmental tradeoffs were appropriate for that large a power upgrade. Other commenters expressed concerns about the cost of the proposed action, since the costs will ultimately be borne by Kit Carson Electric Cooperative members.

### **Evaluation criteria:**

- o Project reliability
- o Long-term needs
- o Project costs and components (direct, maintenance and line-loss costs)

Some commenters identified specific archeological resource concerns, including possible disturbance to archeological sites identified in and around the old “Chili Line” railroad and Ojo Caliente.

Section 106 of the National Historic Preservation Act (NHPA) of 1966 requires that the possible effects of Federal undertakings on properties included or eligible for the National Register of Historic Places be considered. A recent revision of the NHPA now requires the Agency to identify properties that may be of religious or cultural significance to Native Americans.

### **Evaluation criteria:**

- Effects on archeological sites
- Impacts on traditional gathering areas

Several comments expressed concern about safety because of the possibility of increased wildfires from arching or downed power lines and/or from increased public access to remote areas from construction roads. Other comments voiced concerns about the effects of electromagnetic fields on human and animal health as a result of locating the proposed power line along roadways and near residences as well as through wild areas.

### **Evaluation criteria:**

- Potential for electromagnetic field effects on human health
- Increased potential for wildland fire caused by power line

Additional road access may result in damage to soils and vegetation from vehicles and increased poaching, illegal woodcutting, illegal motor vehicle traffic, and vandalism to the power line, fence lines and other properties. More

people accessing typically inaccessible areas could create greater disturbances for wildlife and be the cause of wildfire starts.

**Evaluation criteria:**

- o Potential for increased access to areas not currently accessible by motor vehicle
- o Amount of new access (temporary roads) developed
- o Effects of increased access

The issues described above are important and are addressed in the related effects analysis in Chapter 3 – *Affected Environment and Environmental Consequences*.

**Other Issues: Addressed in Chapter 2,  
Alternatives Including the Proposed Action**

In addition to significant issues for which alternatives are developed, some respondents suggested alternatives of their own. These are discussed in Chapter 2, *Alternatives* under *Alternatives Considered, but Eliminated from Detailed Study*. Reasons why these alternatives were eliminated are provided in this section of the environmental impact statement.

Additional issues may be identified as the analysis and disclosure process continues; issues identified in the formal comment period for this draft environmental impact statement will be analyzed, described and discussed in the final environmental impact statement. If needed, new alternatives may be developed, and/or additional mitigation or monitoring might be added for the final document as a result of the identification of new issues.

**Other Regulatory Requirements**

The National Environmental Policy Act requires public involvement and consideration of potential environmental effects. This draft environmental impact statement and associated project record provides documentation to support the process in compliance with NEPA. In addition to NEPA, this environmental impact statement addresses and adheres to several other regulatory requirements as described below.

**Federal Land Policy and Management Act of 1976**

The primary legal basis for granting easements across National Forest System and Bureau of Land Management administered lands is the Federal Land Policy and Management Act (FLPMA) of 1976 (43 U.S.C. 1715). The Secretaries of Agriculture and Interior are authorized under FLPMA to grant, issue or renew rights-of-way over, upon, or through Federal lands for utility corridors. Issuance of permits, leases, or easements for utility corridor rights-of-way under FLPMA is guided by the regulations at 36 CFR 251 for the Forest Service and 43 CFR for the Bureau of Land Management. This proposed action is consistent with this act.

**Forest and Rangeland Renewable  
Resources Planning Act of 1974**

This act declared the public interest to be served by the Forest Service and, as such, that the renewable resource program must be based on a comprehensive assessment of present and anticipated uses, demand for, and supply of the renewable resources from the Nation's public and

private forests and rangelands. It declared that the Department of Agriculture has both a responsibility and an opportunity to be a leader in ensuring that the Nation maintains a natural resource conservation posture that will meet the requirements of our people in perpetuity.

### **Endangered Species Act of 1973**

The Endangered Species Act (ESA) requires that Federal activities do not jeopardize the continued existence of any species Federally listed or proposed as threatened or endangered, or result in adverse modification to such species' designated critical habitat. In accordance with Section 7(c) of this act, a list of proposed, threatened or endangered species that may be present in the project area will be requested from the U.S. Fish and Wildlife Service. As required by this act, potential effects of this proposed action on listed species will be analyzed and documented in a biological assessment.

### **Sensitive Species (Forest Service Manual 2670)**

Forest Service Manual direction (FSM 2670) requires analysis of potential impacts to sensitive species, those species for which the Regional Forester has identified population viability is a concern. On July 21, 1999, the Regional Forester approved the sensitive species list. [270] Potential effects of this decision on sensitive species will be analyzed and documented in a biological evaluation.

### **Migratory Bird Treaty Act and the Bald and Golden Eagle Protection Act**

These laws provide protection for migratory birds, eagles and hawks. Utilities are obligated to make electric wires and poles safe roosts for Federally protected species of hawks and eagles.

### **Clean Water Act (as amended)**

The Clean Water Act (CWA) is to restore and maintain the integrity of waters. The Forest Service complies with this act through the use of best management practices (BMPs). This proposed action incorporates best management practices to ensure protection of soil and water resources.

### **National Historic Preservation Act (1966) Archaeological Resources Protection Act of 1979 Native American Graves Protection and Repatriation Act (1990)**

Section 106 of the National Historic Preservation Act requires Federal agencies to take into account the effect of a project on any district, site, building, structure, or object that is included in, or eligible for inclusion in the National Register. Section 106 of the National Historic Preservation Act also requires Federal agencies to afford the Advisory Council on Historic Preservation a reasonable opportunity to comment. The Archaeological Resources Protection Act covers the discovery and protection of historic properties (prehistoric and historic) that are excavated or discovered in Federal lands. It affords lawful protection of archaeological resources and sites that are on public and Indian lands. The Native American Graves Protection and Repatriation Act covers the discovery and protection of Native American human remains and objects that are excavated or discovered on Federal lands. It encourages avoidance of archaeological sites that contain burials or portions of sites that contain graves through "in situ"

preservation, but may encompass other actions to preserve these remains and items. This decision complies with the cited acts. Surveys have been conducted for Native American religious or cultural sites, archaeological sites, and historic properties or areas that may be affected by the proposed action and alternatives.

Prior to a decision, consultation with the State Historic Preservation Office will be conducted and documented in the Project Record. Additionally, the Federal government has trust responsibilities to tribes under a government-to-government relationship to insure that the Tribes' reserved rights are protected. Consultation with tribes helps insure that these trust responsibilities are met. The forest will continue to consult with potentially affected tribes. The intent of this consultation is to be informed about tribal concerns.

### **Civil Rights Act (1964)**

This act provides for nondiscrimination in voting, public accommodations, public facilities, public education, Federally assisted programs and equal employment opportunity.

### **Executive Order 12898 on Environmental Justice (1994)**

Executive Order 12898 requires consideration of whether projects would disproportionately impact minority or low-income populations. This environmental impact statement will include an environmental justice analysis to identify any adversely impacted local minority or low-income populations.

### **Other Lands**

The proposed action and scope of this analysis pertain directly to the authorities given to the Forest Service and the Bureau of Land Management. Other parts of the overall project upgrading the electric system of Ojo Caliente and surrounding communities pertain to lands managed by the State of New Mexico, New Mexico State Highway Department (road right-of-way) or private lands for which Kit Carson Electric Cooperative must negotiate with those parties for approval.





